

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**GIANCARLO BARRUETO**

Registered Nurse License Applicant

Respondent

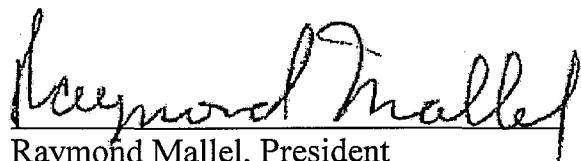
Case No. 2013-296

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **April 5, 2013**.

IT IS SO ORDERED **March 7, 2013**.



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

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Attorney General of California  
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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

13 **GIANCARLO BARRUETO**  
14 **1515 20th Avenue**  
**San Francisco, CA 94122**

15 **Registered Nurse License Applicant**

16 Respondent.

Case No. 2013-296

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Aspasia A.  
24 Papavassiliou, Deputy Attorney General.

25 2. Giancarlo Barrueto (Respondent) is representing himself in this proceeding and has  
26 chosen not to exercise his right to be represented by counsel.

27 3. On or about December 27, 2011, Respondent filed an application dated December 23,  
28 2011, with the Board of Registered Nursing to obtain a Registered Nurse License.



1 professional licensing agency is involved, and shall not be admissible in any other criminal or  
2 civil proceeding.

3 CONTINGENCY

4 12. This stipulation shall be subject to approval by the Board of Registered Nursing.  
5 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
6 Registered Nursing may communicate directly with the Board regarding this stipulation and  
7 settlement, without notice to or participation by Respondent. By signing the stipulation,  
8 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
9 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
10 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
11 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
12 the parties, and the Board shall not be disqualified from further action by having considered this  
13 matter.

14 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
15 and Disciplinary Order, including facsimile signatures, shall have the same force and effect as the  
16 originals.

17 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
20 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
21 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
22 writing executed by an authorized representative of each of the parties.

23 15. In consideration of the above admissions and stipulations, the parties agree that the  
24 Board may, without further notice or formal proceeding, issue and enter the following  
25 Disciplinary Order:

26 DISCIPLINARY ORDER

27 IT IS ORDERED that the application of Respondent Giancarlo Barrueto for licensure is  
28 hereby granted. Upon successful completion of the licensure examination and all other licensing

1 requirements, a license shall be issued to Respondent. The license shall immediately be revoked,  
2 the order of revocation stayed and Respondent placed on probation for a period of three (3) years  
3 on the following conditions:

4 **Severability Clause.** Each condition of probation is a separate and distinct condition. If  
5 any condition of this Order, or any application thereof, is declared unenforceable in whole, in  
6 part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be  
7 affected. Each condition of this Order shall separately be valid and enforceable to the fullest  
8 extent permitted by law.

9 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
10 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
11 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
12 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
13 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
14 application process.

15 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
16 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
17 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

18 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with  
19 the conditions of the Probation Program established by the Board and cooperate with  
20 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
21 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
22 more than 15 days of any address change and shall at all times maintain an active, current license  
23 status with the Board, including during any period of suspension.

24 Upon successful completion of probation, Respondent's license shall be fully restored.

25 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
26 person at interviews/meetings as directed by the Board or its designated representatives.

27 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
28 practice as a registered nurse outside of California shall not apply toward a reduction of this

1 probation time period. Respondent's probation is tolled, if and when she resides outside of  
2 California. Respondent must provide written notice to the Board within 15 days of any change of  
3 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
4 returning to practice in this state.

5 Respondent shall provide a list of all states and territories where she has ever been licensed  
6 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
7 information regarding the status of each license and any changes in such license status during the  
8 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
9 license during the term of probation.

10 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit  
11 or cause to be submitted such written reports/declarations and verification of actions under  
12 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
13 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
14 Respondent shall immediately execute all release of information forms as may be required by the  
15 Board or its representatives.

16 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
17 state and territory in which she has a registered nurse license.

18 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall  
19 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
20 6 consecutive months or as determined by the Board.

21 For purposes of compliance with the section, "engage in the practice of registered nursing"  
22 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
23 non-direct patient care position that requires licensure as a registered nurse.

24 The Board may require that advanced practice nurses engage in advanced practice nursing  
25 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

26 If Respondent has not complied with this condition during the probationary term, and  
27 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
28 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an

1 extension of Respondent's probation period up to one year without further hearing in order to  
2 comply with this condition. During the one year extension, all original conditions of probation  
3 shall apply.

4       **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
5 prior approval from the Board before commencing or continuing any employment, paid or  
6 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
7 performance evaluations and other employment related reports as a registered nurse upon request  
8 of the Board.

9       Respondent shall provide a copy of this Decision to her employer and immediate  
10 supervisors prior to commencement of any nursing or other health care related employment.

11       In addition to the above, Respondent shall notify the Board in writing within seventy-two  
12 (72) hours after she obtains any nursing or other health care related employment. Respondent  
13 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
14 separated, regardless of cause, from any nursing, or other health care related employment with a  
15 full explanation of the circumstances surrounding the termination or separation.

16       **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
17 Respondent's level of supervision and/or collaboration before commencing or continuing any  
18 employment as a registered nurse, or education and training that includes patient care.

19       Respondent shall practice only under the direct supervision of a registered nurse in good  
20 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
21 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
22 approved.

23       Respondent's level of supervision and/or collaboration may include, but is not limited to the  
24 following:

25       (a) Maximum - The individual providing supervision and/or collaboration is present in  
26 the patient care area or in any other work setting at all times.

27       (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
28 care unit or in any other work setting at least half the hours Respondent works.

1 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
2 person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health care  
4 setting, the individual providing supervision and/or collaboration shall have person-to-person  
5 communication with Respondent as required by the Board each work day. Respondent shall  
6 maintain telephone or other telecommunication contact with the individual providing supervision  
7 and/or collaboration as required by the Board during each work day. The individual providing  
8 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
9 patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
11 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
12 or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
14 registered nursing supervision and other protections for home visits have been approved by the  
15 Board. Respondent shall not work in any other registered nursing occupation where home visits  
16 are required.

17 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
18 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
19 and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing or as an  
21 instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined  
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
25 request documentation to determine whether there should be restrictions on the hours of work.

26 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and  
27 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
28 months prior to the end of his probationary term.



Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Violation of Probation.** If Respondent violates the conditions of his probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

12. **License Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

13. **Physical Examination.** Within 45 days of the effective date of this Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician

1 assistant, who is approved by the Board before the assessment is performed, submit an  
2 assessment of the Respondent's physical condition and capability to perform the duties of a  
3 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
4 medically determined, a recommended treatment program will be instituted and followed by the  
5 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
6 to the Board on forms provided by the Board.

7 If Respondent is determined to be unable to practice safely as a registered nurse, the  
8 licensed physician, nurse practitioner, or physician assistant making this determination shall  
9 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
10 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
11 immediately cease practice and shall not resume practice until notified by the Board. During this  
12 period of suspension, Respondent shall not engage in any practice for which a license issued by  
13 the Board is required until the Board has notified Respondent that a medical determination  
14 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
15 of this probationary time period.

16 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
17 requirement, Respondent shall immediately cease practice and shall not resume practice until  
18 notified by the Board. This period of suspension will not apply to the reduction of this  
19 probationary time period. The Board may waive or postpone this suspension only if significant,  
20 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
21 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
22 Only one such waiver or extension may be permitted.

23 **14. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

24 Respondent, at his expense, shall successfully complete during the probationary period or shall  
25 have successfully completed prior to commencement of probation a Board-approved  
26 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
27 submitted by the program on forms provided by the Board. If Respondent has not completed a  
28 Board-approved treatment/rehabilitation program prior to commencement of probation,

1 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
2 If a program is not successfully completed within the first nine months of probation, the Board  
3 shall consider Respondent in violation of probation.

4 Based on Board recommendation, each week Respondent shall be required to attend at least  
5 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
6 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
7 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
8 added. Respondent shall submit dated and signed documentation confirming such attendance to  
9 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
10 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
11 and/or other ongoing recovery groups.

12 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
13 completely abstain from the possession, injection or consumption by any route of all controlled  
14 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
15 are ordered by a health care professional legally authorized to do so as part of documented  
16 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
17 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
18 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
19 longer be required, and the effect on the recovery plan, if appropriate.

20 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
21 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
22 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
23 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
24 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
25 considered addictive have been prescribed, the report shall identify a program for the time limited  
26 use of any such substances.

27 The Board may require the single coordinating physician, nurse practitioner, or physician  
28 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive

1 medicine.

2       **16. Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
3 random, biological fluid testing or a drug screening program which the Board approves. The  
4 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
5 for keeping the Board informed of Respondent's current telephone number at all times.  
6 Respondent shall also ensure that messages may be left at the telephone number when he is not  
7 available and ensure that reports are submitted directly by the testing agency to the Board, as  
8 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
9 program and Respondent shall be considered in violation of probation.

10       In addition, Respondent, at any time during the period of probation, shall fully cooperate  
11 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
12 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
13 hypnotics, dangerous drugs, or other controlled substances.

14       If Respondent has a positive drug screen for any substance not legally authorized and not  
15 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
16 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
17 practice pending the final decision on the petition to revoke probation or the accusation. This  
18 period of suspension will not apply to the reduction of this probationary time period.

19       If Respondent fails to participate in a random, biological fluid testing or drug screening  
20 program within the specified time frame, Respondent shall immediately cease practice and shall  
21 not resume practice until notified by the Board. After taking into account documented evidence  
22 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
23 suspend Respondent from practice pending the final decision on the petition to revoke probation  
24 or the accusation. This period of suspension will not apply to the reduction of this probationary  
25 time period.

26       **17. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
27 of this Decision, have a mental health examination including psychological testing as appropriate  
28 to determine his capability to perform the duties of a registered nurse. The examination will be

1 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
2 the Board. The examining mental health practitioner will submit a written report of that  
3 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
4 Recommendations for treatment, therapy or counseling made as a result of the mental health  
5 examination will be instituted and followed by Respondent.

6 If Respondent is determined to be unable to practice safely as a registered nurse, the  
7 licensed mental health care practitioner making this determination shall immediately notify the  
8 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
9 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
10 practice and may not resume practice until notified by the Board. During this period of  
11 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
12 is required, until the Board has notified Respondent that a mental health determination permits  
13 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
14 probationary time period.

15 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
16 requirement, Respondent shall immediately cease practice and shall not resume practice until  
17 notified by the Board. This period of suspension will not apply to the reduction of this  
18 probationary time period. The Board may waive or postpone this suspension only if significant,  
19 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
20 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
21 Only one such waiver or extension may be permitted.


22 **18. Therapy or Counseling Program.** Respondent, at his expense, shall participate in  
23 an on-going counseling program until such time as the Board releases her from this requirement  
24 and only upon the recommendation of the counselor. Written progress reports from the counselor  
25 will be required at various intervals.

#### 26 ACCEPTANCE

27 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
28 stipulation and the effect it will have on my Registered Nurse License. I enter into this

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
2 to be bound by the Decision and Order of the Board of Registered Nursing.

3  
4 DATED: 12/24/12

  
5 GIANCARLO BARRUETO  
6 Respondent

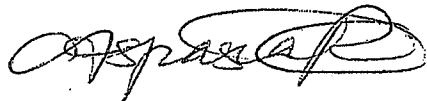
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
10 Affairs.

11 Dated: 12/27/2012

12 Respectfully submitted,

13 KAMALA D. HARRIS  
14 Attorney General of California  
15 DIANN SOKOLOFF  
16 Supervising Deputy Attorney General

  
17 ASPASIA A. PAPAVALASSILIOU  
18 Deputy Attorney General  
19 Attorneys for Complainant

20 SF2012900977  
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## **Exhibit A**

**Statement of Issues No. 2013-296**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 ASPASIA A. PAPAVALASSILOU  
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*Attorneys for Complainant*

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11 In the Matter of the Statement of Issues  
12 Against:

13 **GIANCARLO BARRUETO**

14 **Registered Nurse License Applicant**

15 Respondent.

Case No. 2013-296

16 **STATEMENT OF ISSUES**

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about December 27, 2011, the Board of Registered Nursing, Department of  
23 Consumer Affairs received an application for a Registered Nurse License from Giancarlo  
24 Barrueto (Respondent). Giancarlo Barrueto certified under penalty of perjury to the truthfulness  
25 of all statements, answers, and representations in the application on or about December 23, 2012.  
26 The Board denied the application on or about April 10, 2012.



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1       7.     Section 2762 of the Code states, in pertinent part:

2        "In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
4 chapter to do any of the following:

5       ...

6        "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11        "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
13 or the possession of, or falsification of a record pertaining to, the substances described in  
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
15 thereof."

16                                   **REGULATORY PROVISION**

17       8.     California Code of Regulations, title 16, section 1444, states, in pertinent part:

18        "A conviction or act shall be considered to be substantially related to the qualifications,  
19 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
20 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
21 safety, or welfare."

22                                   **FACTUAL BACKGROUND**

23       9.     On or about June 21, 2011, in San Francisco County Superior Court Case No.  
24 11012359, Respondent was convicted of and sentenced to three years court probation for  
25 violating Vehicle Code section 23152, subdivision (b) (Driving with Blood Alcohol Content of  
26 .08 Percent or Greater). The offense occurred on or about May 7, 2011. Respondent was stopped  
27 by police after making an illegal U-turn. Respondent's blood alcohol level was between .169 and  
28 .17 percent.

1           10. On or about June 23, 2005, in San Francisco County Superior Court Case No.  
2 2214871, Respondent was convicted of and sentenced to three years court probation for violating  
3 Vehicle Code section 23103.5 (Wet Reckless Driving). The offense occurred on or about April  
4 23, 2005.

5                           **FIRST CAUSE FOR DENIAL OF APPLICATION**

6                                   (Substantially Related Conviction)  
7                           (Bus. & Prof. Code §§ 480, subd. (a)(1) and 2761, subd. (f))

8           11. Respondent's application is subject to denial under sections 480, subdivision (a)(1)  
9 and 2761, subdivision (f), because he was convicted of a crime substantially related to the  
10 qualifications, functions, and duties of a registered nurse within the meaning of California Code  
11 of Regulations, title 16, section 1444. The circumstances are described in paragraphs 9 and 10,  
12 above.

13                           **SECOND CAUSE FOR DENIAL OF APPLICATION**

14                                   (Unprofessional Conduct: Dangerous Use of Alcohol)  
15                           (Bus. & Prof. Code §§ 2761, subd. (a) and 2762, subd.(b))

16           12. Respondent's application is subject to denial under sections 2761, subdivision (a)  
17 (Unprofessional Conduct) and 2762, subdivision (b) (Dangerous Use of Alcohol). The  
18 circumstances are described in paragraphs 9 and 10, above.

19                           **THIRD CAUSE FOR DENIAL OF APPLICATION**

20                                   (Unprofessional Conduct: Alcohol-Related Conviction)  
21                           (Bus. & Prof. Code §§ 2761, subd. (a) and 2762, subd.(c))

22           13. Respondent's application is subject to denial under sections Respondent's application  
23 is subject to denial under sections 2761, subdivision (a) (Unprofessional Conduct) and 2762,  
24 subdivision (c) (Alcohol-Related Conviction). The circumstances are described in paragraphs 9  
25 and 10, above.

26                           **FOURTH CAUSE FOR DENIAL OF APPLICATION**

27                                   (Act Subjecting License to Discipline)  
28                           (Bus. & Prof. Code § 480, subd. (a)(3)(A))

          14. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A),  
because she committed an act that if done by a registered nurse would be grounds for revocation  
or suspension of the registered nurse license. If he were licensed, Respondent's conduct alleged

1 in paragraphs 9 and 10 above would have subjected his license to discipline under the following  
2 sections:

- 3 A. 490 and 2761, subdivision (f) (Substantially Related Conviction);  
4 B. 2761, subdivision (a) and 2762, subdivision (b) (Unprofessional Conduct: Dangerous  
5 Use of Alcohol); and  
6 C. 2761, subdivision (a) and 2762, subdivision (c) (Unprofessional Conduct: Alcohol-  
7 Related Conviction).

8 **PRAYER**

9 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
10 Statement of Issues, and that following the hearing, the Board of Registered Nursing issue a  
11 decision:

- 12 1. Denying the application of Giancarlo Barrueto for a Registered Nurse License;  
13 2. Taking such other and further action as deemed necessary and proper.

14 DATED: October 15, 2012

Louise R. Bailey  
15 LOUISE R. BAILEY, M.ED., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant  
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